IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2562 OF 2004

In

WRIT PETITION NO.1085 OF 2004

Arvind Chandrakant Naik : Applicant

V/s.

The Additional Collector & Competent Authority, Thane Urban Agglomeration & Anr. : Respondents

...

Mr.K.S.Dewal for the applicant.

Mr.R.M.Patne, Asstt. Govt. Pleader, for the respondents.

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CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

October 26, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Patne, learned Asstt. Govt. Pleader for the respondents waives service.

Heard by consent.

2. The office of the Addl. Govt. Pleader was served with a copy of the above Civil Application on 23.9.2004.

Mr.Patne, learned Asstt. Govt. Pleader for the respondents states that he has no instructions. There is no affidavit-in-reply filed controverting the contents of the Civil Application. We have perused the order passed by this Court on 3.6.2003 in Writ Petition no.2447 of 2003 and also the order passed by the Division Bench on 18.3.2004 in the above Writ Petition no.1085 of 2004. In para 5 of the said order dated 18.3.2004, it is made explicitly clear that the time for taking appropriate action for allotment granted to the respondents was extended to 31.7.2004. The said order also makes it clear that if by that time, appropriate action is not taken, the flats shall be released in favour of the petitioner. Pursuant to the above, it appears that only two flats have been taken possession by the Government nominees and six more flats are still lying vacant.

3. Under the aforesaid facts and circumstances, the rule is made absolute in terms of prayer clause (a).

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)